



Docket No.: SI-0039

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCE**

In re Application of

Confirmation No.: 9531

Seh Joon DOKKO

Group Art Unit: 2683

Serial No.: 10/626,580

Examiner: Ariel Balaoing

Filed: July 25, 2003

Customer No.: 34610

For: CALL PICK-UP SYSTEM AND METHOD IN A MOBILE COMMUNICATION
NETWORK

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 223134

Sir:

This appeal is taken from the rejection of claims as set forth in the Office Action of April 21, 2006 (hereinafter the Office Action). In accordance with 37 C.F.R. §41.37, Appellant addresses the following items.

REAL PARTY IN INTEREST

The real party in interest is LG Electronics Inc. The assignment document is recorded at Reel 014325 and Frame 0371.

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RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

STATUS OF THE CLAIMS

This is an appeal from the final rejection dated April 21, 2006 of claims 27-29, 31-34 and 36. No other claims are pending. All claims are being appealed.

STATUS OF AMENDMENTS

All Amendments filed in this application have been entered. A copy of appealed claims 27-29, 31-34 and 36 appear in the attached Claims Appendix.

SUMMARY OF THE CLAIMED SUBJECT MATTER

As stated in 37 C.F.R. §41.37(c)(v), Appellant is providing the following explanation of each of the independent claims 27 and 32 involved in this appeal. This explanation refers to the specification and drawings. The following is merely an example summary and is not intended to be a discussion of the full and entire scope of the claims. Other interpretations, configurations and embodiments are also within the scope of the pending claims.

Independent Claim 27

Independent claim 27 recites a method for processing calls (e.g., Figs. 4a, 4b) in a mobile communication system (e.g., Figs. 2, 7). The method may include directing a call to a first mobile terminal. For example, Fig. 4a shows a terminating call ringing process 31. See also, page 21, paragraph [70].

The method may also include ringing the first mobile terminal. For example, Fig. 4a shows a terminating call ringing process 31. See also, page 21, paragraph [70].

The method may include receiving a request from a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing. For example, Fig. 4b shows determining if a call pick-up request has been received S42. See also, page 22, paragraph [72].

The method may further include transferring the call to the second mobile terminal in response to the request. For example, Fig. 4b shows notifying terminating response and connecting the communication line S46. See also, Fig. 5, S56 and pages 22-25, paragraphs [73]-[79].

Still further, the method may include transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. For example, Figs. 5 and 12 show displaying terminating pick-up phone's number S53 and S123, respectively, and transmitting originating PID and switch information to the terminating call S54 and S124, respectively. See also, pages 24-25 and 38-39, paragraphs [79], [115] and page 47,

paragraph [141].

Independent Claim 32

Independent claim 27 is directed to a system for processing calls in a mobile communication system (e.g., Figs. 2, 7). The system may include a first mobile terminal, the first mobile terminal ringing in response to a call directed to the first mobile terminal. For example, Fig. 2 shows a Mobile Phone (Terminating Ringing). See also, pages 18-19, paragraphs [62, 63].

The system may also include a second mobile terminal, the second mobile terminal generating a request to pick up the call in response to the ringing. For example, Fig. 2 shows a Mobile Phone (Terminating Pick-up). See also, pages 18-19, paragraphs [62, 63].

The system may further include a processor which receives the request to pick up the call directed to the first mobile terminal and transfers the call to the second mobile terminal in response to the request. For example, Fig. 2 shows a Terminating Call Processor 30. See also, pages 19, paragraph [63].

Further, the system may include wherein the processor transmits information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. For example, Figs. 5 (S53) and 12 (S123) show displaying terminating pick-up phone's number, and transmitting originating PID and switch information to the terminating call Figs. 5 and 12, S54 and S124, respectively. See also, pages 24-25 and 38-39, paragraphs [79], [115] and page 47, paragraph [141].

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 27, 29, 31, 32, 34 and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ardon.. Claims 28 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Ardon.. Appellants believe that each of the claims stands and falls separately from one another.

ARGUMENTS

The present application contains two independent claims, namely independent claims 27 and 32. These claims contain different features as may be evidenced by the specifically claimed features and as may be pointed out below. For ease of illustration and discussion, similar types of claims (or claim features) may be discussed with respect to each other. This is not an admission that the claims are the same or that they stand or fall together. Rather, this is an attempt to narrow the number of issues and to limit the number of arguments. While arguments may be similar for different claims, it should be understood that differently claimed features are expressly used.

Appellants assert that the cited reference does not disclose or suggest the limitations in the combination of each of pending claims 27-29, 31-34 and 36 of the present application. Appellants respectfully request that all current rejections be withdrawn and that the decision of the Examiner be reversed based on the following.

35 U.S.C. §102 Rejections

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 U.S.P.Q.2d (BNA) 1429, 1431 (Fed. Cir. 1997). The identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131. The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. §2131. It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 102(b).

Independent Claim 27

Regarding claim 27, Appellant submits that Ardon does not disclose or suggest the limitations in the combination of this claim of, *inter alia*, receiving a request for a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing, or transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. Ardon merely discloses delivering called party identification to a called telephone wireless station set during paging of the called wireless telephone, or after call set-up but before ringing starts. A control unit may then cause the called line to be displayed, may cause a distinctive ring to be made, or take other action depending upon its program (see, Ardon Abstract). The Examiner asserts that Ardon discloses receiving a request from a second mobile terminal to pick up the call directed to the first mobile terminal in

response to the ringing, at col.5, lines 29-57. However, these portions merely disclose details regarding a call pick up feature where while a call is being set up to a first cellular device, messages are sent to other devices allowing the other devices to indicate a desire to pick up the call, whereby the call is then sent to this device. This is not receiving a request from a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing, as recited in the claims of the present application. Ardon discloses receiving the request during call set up and before ringing and in response to a message sent to the other device. As also disclosed in the abstract of Ardon, the activities in Ardon occur after call set up but before ringing starts. Ardon teaches away from the limitations in the claims of the present application.

The Examiner admits that Ardon does not disclose these limitations stating “Ardon does show aspects of call setup before ringing of a device” (see, Advisory Action dated July 24, 2006, Response to Arguments, page 2). The Examiner further cites Ardon, at col. 5, lines 46-57, and states that in Ardon “the call pick up feature occurs after a first device has been notified” and that “wireless devices 155 and 170 display the TCLID and provide some form alert, for example, a “ping ring” or other signal which indicates a call pickup call” (see, Advisory Action, Response to Arguments, page 2). However, these portions merely relate to displaying and alerting other wireless devices in a group allowed to pick up the call. This is not picking up the call directed to the first mobile terminal in response to the ringing of the first mobile terminal, as recited in the claims of the present application. Ardon does not disclose or suggest ringing the destination wireless device, device 115, or another device, devices 155 or 170, picking up the call directed to

device 115 in response to the ringing of device 115. Further, the limitations in the claims of the present application relate to a request from a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing of the first mobile device. The claims do not recite “alerting” or “notifying” other wireless devices allowed to pick up the call to the first mobile device.

Further, Ardon does not disclose or suggest transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. As noted previously, Ardon merely discloses that during a call set up a message is sent to other devices allowing them to pick up and answer a call directed to a different mobile device. Ardon does not disclose or suggest transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call after the call is transferred. Ardon merely discloses displaying the number being called thus allowing another phone to request pick up of the call. In contrast, according to embodiments of the present invention, a first mobile terminal knows the identity of the mobile terminal that picked up the call, since information regarding the number of the second mobile terminal that received the transferred call is transmitted to the first mobile terminal. This is not disclosed or suggested by Ardon.

The Examiner asserts that Ardon discloses transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call, at col. 4, lines 6-14 and col. 6, lines 6-16. However, these portions merely disclose that

“[r]egardless of which method is used to transfer the destination directory number to wireless communication device I 15, the destination directory number is displayed on display 150 as "555-1235" of wireless communication device 115. In this manner, multiple directory numbers may be associated with wireless communication device 115, and the user can determine which directory number the call is for” and that “[h]unt group” services can be meaningfully deployed among wireless members of a group using this invention, as the identity of the original called number is preserved even when the call is directed to another phone. Also, an end user can simultaneously be a member of a plurality of hunt groups. With the TCLID capabilities there is no ambiguity as to the relationship of the called number to its associated group. The switch may provide to the cellular device, in addition to the called DN, an alphanumeric display to designate the hunt group or the called party name.” This is not transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call, as recited in the claims of the present application. Ardon merely relates to the destination directory number being displayed.

Independent Claim 32

Regarding claim 32, Appellant submits that Ardon does not disclose or suggest the limitations in the combination of this claim of, *inter alia*, the second mobile terminal generating a request to pick up the call in response to the ringing, or the processor transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. As noted previously, Ardon merely discloses delivering called party identification to a called telephone wireless station set during paging of the called wireless telephone, or after call set-up but before ringing starts. A control unit may then cause the called line to be displayed, may cause a distinctive ring to be made, or take other action depending upon its program (see, Ardon Abstract). The Examiner asserts that Ardon discloses the second mobile terminal generating a request to pick up the call in response to the ringing, at col.5, lines 29-57. However, as noted previously, these portions merely disclose details regarding a call pick up feature where while a call is being set up to a first cellular device, messages are sent to other devices allowing the other devices to indicate a desire to pick up the call, whereby the call is then sent to this device. This is not generating a request by a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing, as recited in the claims of the present application. Ardon discloses receiving the request during call set up and before ringing and in response to a message sent to the other device. As also disclosed in the abstract of Ardon, the activities in Ardon occur after call set up but before ringing starts.

Moreover, Ardon does not disclose or suggest the processor transmitting information to

the first mobile terminal indicating a number of the second mobile terminal that received the transferred call. The Examiner asserts that Ardon discloses these limitations at col. 4, lines 6-14 and col. 6, lines 6-16. However, as noted previously, Ardon merely discloses that during a call set up a message is sent to other devices allowing them to pick up and answer a call directed to a different mobile device. Ardon does not disclose or suggest transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call after the call is transferred. Ardon merely discloses displaying the number being called thus allowing another phone to request pick up of the call. In contrast, according to embodiments of the present invention, a first mobile terminal knows the identity of the mobile terminal that picked up the call, since information regarding the number of the second mobile terminal that received the transferred call is transmitted to the first mobile terminal. This is not disclosed or suggested by Ardon.

Dependent Claims 29, 34

Appellants submit that Ardon does not disclose or suggest wherein the first and second mobile terminals are located in coverage areas of different base stations or sectors. The Examiner asserts that Ardon discloses these limitations in Fig. 1, 100, 115, 160 and 155. However, the mere disclosure of devices in different cells does not disclose or suggest the second mobile terminal generating a request to pick up a call to the first mobile terminal in response to the ringing of the first mobile terminal, or the transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred

call wherein the first and second mobile terminals are located in coverage areas of different base stations or sectors. Appellant respectfully submits that these claims each stand and fall separately from the respective claims from which they depend.

Dependent Claims 31, 36

Appellants submit that Ardon does not disclose or suggest storing information indicative a group of mobile phones eligible to pick-up calls for the first mobile phone; and determining whether the second mobile phone is in said group, wherein said transferring is performed only if the second mobile phone is determined to be within said group, or further comprising: a storage unit which stores information indicative a group of mobile phones eligible to pick-up calls for the first mobile phone, wherein the processor determines whether the second mobile phone is in said group and then transfers the call to the second mobile only if the second mobile phone is determined to be within said group. Each of the independent claims 27 and 32 is believed to define patentable subject matter as discussed above. Each of these dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this additional reason. In addition, these dependent claims recite features that further and independently distinguish over the applied references. Appellant respectfully submits that these claims each stand and fall separately from the respective claims from which they depend.

Accordingly, Appellants assert that Ardon does not disclose or suggest the limitations in the combination of each of claims 27, 29, 31, 32, 34 and 36 in the present application. Appellants respectfully request that these rejections be reversed and that these claims be

allowed.

35 U.S.C. §103 Rejections

The ultimate determination of obviousness under §103 is a question of law. See, In re Leuders, 111 F.3d 1569, 1571, 42USPQ2d 1481, 1482 (Fed. Cir. 1997). The factual predicates underlying an obviousness determination include the scope and content of the prior art, the differences between the prior art and the claimed invention, and the level of ordinary skill in the art at the time of the invention. See, Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 881, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998).

To reject claims in an application under Section 103, an Examiner must show an unrebutted prima facie case of obviousness. See, In re Deuel, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995). In the absence of a proper prima facie case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. See, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 103(a).

Dependent Claims 28, 33

Appellants submit that Ardon does not disclose, suggest or render obvious wherein the first and second mobile terminals are located in a coverage area of a same base station or sector. Each of the independent claims 27 and 32 is believed to define patentable subject matter as discussed above. Each of these dependent claims depends from one of the independent claims

and therefore defines patentable subject matter at least for this additional reason. In addition, these dependent claims recite features that further and independently distinguish over the applied references. Appellant respectfully submits that these claims each stand and fall separately from the respective claims from which they depend.

Accordingly, Appellants assert that Ardon does not disclose, suggest or render obvious the limitations in the combination of each of claims 28 and 33 in the present application. Appellants respectfully request that these rejections be reversed and that these claims be allowed.

CLAIMS APPENDIX

The attached Claims Appendix contains a copy of the claims involved in the appeal.

EVIDENCE APPENDIX

Appellant has not provided any evidence with this appeal and therefore an Evidence Appendix is not provided.

RELATED PROCEEDINGS APPENDIX

Appellant is not providing copies of related decisions and therefore a Related Proceedings Appendix is not provided.

CONCLUSION

It is respectfully submitted that the above arguments show that each of claims 27-29, 31-34 and 36 are patentable over the applied references. Based at least on these reasons, it is respectfully submitted that each of claims defines patentable subject matter. Appellant respectfully requests that the rejections of claims 27-29, 31-34 and 36 set forth in the April 21, 2006 Office Action be withdrawn.

Respectfully submitted,
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CLAIMS APPENDIX

27. A method for processing calls in a mobile communication system, comprising:
directing a call to a first mobile terminal;
ringing the first mobile terminal;
receiving a request from a second mobile terminal to pick up the call directed to the first mobile terminal in response to the ringing;
transferring the call to the second mobile terminal in response to the request; and
transmitting information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call.

28. The method of claim 27, wherein the first and second mobile terminals are located in a coverage area of a same base station or sector.

29. The method of claim 27, wherein the first and second mobile terminals are located in coverage areas of different base stations or sectors.

31. The method of claim 27, further comprising:
storing information indicative a group of mobile phones eligible to pick-up calls for the first mobile phone; and
determining whether the second mobile phone is in said group, wherein said

transferring is performed only if the second mobile phone is determined to be within said group.

32. A system for processing calls in a mobile communication system, comprising:

- a first mobile terminal, the first mobile terminal ringing in response to a call directed to the first mobile terminal;
- a second mobile terminal, the second mobile terminal generating a request to pick up the call in response to the ringing;
- a processor which receives the request to pick up the call directed to the first mobile terminal and transfers the call to the second mobile terminal in response to the request, wherein the processor transmits information to the first mobile terminal indicating a number of the second mobile terminal that received the transferred call.

33. The system of claim 32, wherein the first and second mobile terminals are located in a coverage area of a same base station or sector.

34. The system of claim 32, wherein the first and second mobile terminals are located in coverage areas of different base stations or sectors.

36. The system of claim 32, further comprising:

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a storage unit which stores information indicative a group of mobile phones eligible to pick-up calls for the first mobile phone, wherein the processor determines whether the second mobile phone is in said group and then transfers the call to the second mobile only if the second mobile phone is determined to be within said group.